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14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

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17 RAUL UVENCE, JUAN UVENCE, and TAI
18 BUI

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20 Plaintiff,

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22 vs.

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24 GEICO CASUALTY COMPANY;
25 AMERICAN FAMILY MUTUAL
INSURANCE COMPANY; DOES I through
X; and ROE CORPORATIONS XI through
XX,

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27 Defendants.

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CASE NO.: 2:15-cv-01415-JCM-NJK

29 STIPULATION AND ORDER FOR
30 PRIVATE BINDING ARBITRATION AND
31 TO STAY COURT PROCEEDINGS

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33 Plaintiffs RAUL UVENCE, JUAN UVENCE and TAI BUI ("Plaintiffs") and
34 Defendants GEICO CASUALTY COMPANY and AMERICAN FAMILY MUTUAL
35 INSURANCE COMPANY ("Defendants") (collectively referred to as the "Parties"), by and
36 through their counsel of record, hereby stipulate as follows:

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38 1. Plaintiffs and Defendants have previously entered into a Stipulation and
39 Order To Dismiss with Prejudice the Second and Third Causes of Action of Plaintiffs'
40 Complaint, as well as Plaintiffs' claims for punitive and exemplary damages.

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42 2. Plaintiffs' First Cause of Action for Breach of Contract, which is the only
43 remaining cause of action, shall be resolved through binding arbitration in accordance
44 with the terms of an Arbitration Agreement entered into by the parties.

1 3. The Arbitration shall be conducted at a time, date and location that is
2 agreeable to the Parties and the Arbitrator.

3 4. Pending the completion of the arbitration hearing, this matter shall be
4 stayed.

5 5. The Parties expressly waive any right to trial by a judge or jury.

6 6. The Parties expressly waive any right to appeal from the Arbitrator's award
7 or any order made by the Arbitrator.

8 7. The award of the Arbitrator shall constitute a final determination of the First
9 Cause of action contained in Plaintiffs' Complaint (i.e., Plaintiffs' claims for underinsured
10 motorist benefits under Defendants' policies of insurance);

11 8. Pursuant to the terms of the Arbitration Agreement, the Parties will, upon
12 the execution of the Binding Arbitration Agreement, stipulate to dismissal of this action,
13 with prejudice, reserving the right to this Court the authority to enforce the Agreement.

14 9. Pursuant to the terms of the Arbitration Agreement, the Arbitrator cannot
15 award costs, interest, or attorneys' fees and the parties will bear their own attorneys' fees
16 and costs.

17 10. The Arbitrator's fees shall be borne equally by the Parties as a non-
18 recoverable item of costs.

19 DATED this 18th day of April, 2016.

19 DATED this 18th of April, 2016.

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20 LEWIS BRISBOIS BISGAARD & SMITH LLP

21 */s/ Genevieve Romand*
22 By: BRADLEY J. MYERS, ESQ.
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 GEICO Casualty Company

1 DATED this 18th day of April, 2016.

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3 */s/ Scott A. Flinders*

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American Family Mutual
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ORDER

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IT IS SO ORDERED.

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DATED May 20, 2016.

Lewis C. Mahan
15 UNITED STATES DISTRICT JUDGE

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Respectfully Submitted by:

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LEWIS BRISBOIS BISGAARD & SMITH LLP

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/s/ Danielle C. Miller

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By ROBERT W. FREEMAN, ESQ.

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